

City of Blue Lake
City Council Regular Meeting
Skinner Store – 111 Greenwood Ave., Blue Lake, CA
November 10, 2015
MINUTES

The meeting was called to order at 7:04 p.m.

Councilmembers Present: Jean Lynch, John Sawatzky, Stephen Kullmann, Michele McCall-Wallace

Councilmembers Absent: Adelene Jones

Staff Present: City Clerk April Sousa, Assistant City Manager Vicki Hutton, City Planner Garry Rees, City Attorney Nancy Diamond

Motion to Approve the Agenda

Councilmember Kullmann *motioned to approve the agenda after moving item 17 to occur directly after Public Input, and moving item 8 to occur after item 17.* Councilmember Sawatzky seconded. The motion carried.

Public Input

Wendy Spiegel-Brown, Blue Lake resident, presented the council with a handout and expressed her concerns.

Consent Agenda

Mayor McCall-Wallace pulled item 17e: Acceptance of Donation from Karen Barnes for the Purchase of Materials for Horse Arena Sprinkler Repairs.

Councilmember Sawatzky pulled item 17g: 2015 Revision to Engineering Agreement with SHN.

Councilmember Sawatzky *motioned to accept the remaining Consent Agenda items: item a- Minutes from October 27, 2015, item b- Minutes from October 23 and 24, 2015 – Special Meetings, item c- Minutes from October 27, 2015- Special Meeting, item d- Warrants and Disbursements October 2015, and item f- Authorize Mayor to Expend up to \$2500 for Background Checks of City Manager Candidates.* Councilmember Lynch seconded. The motion carried.

Acceptance of Donation from Karen Barnes for the Purchase of Materials for Horse Arena Sprinkler Repairs

Karen Barnes was available to speak on the issue. Mayor McCall-Wallace stated that she spoke with Parks and Recreation Director Cameron Mull who stated that Miller Farms was not 100% sure if the repairs would reach the center of the arena, and that staff will look at a possible re-design of the system to ensure that the repairs will work.

Councilmembers were able to ask clarifying questions of Ms. Barnes. Mayor McCall-Wallace reminded council that this item is to accept the donation for materials.

Councilmember Kullmann *motioned to accept the donation from Karen Barnes with the understanding that the improved system will reach the center of the arena.* Councilmember Sawatzky seconded. The motion carried.

2015 Revision to Engineering Agreement with SHN

Councilmember Sawatzky recused himself from the discussion and vote.

Councilmember Kullmann *motioned to amend the SHN contract noted in the staff report.* Councilmember Lynch seconded. The motion carried.

Public Safety Commission: Recommendation for Community Meeting on November 18, 2015

Kit Mann, Public Safety Commission Chair, spoke on this item and presented Council with the agenda for the Community Meeting. He also invited Council to attend.

Councilmember Sawatzky *motioned to accept the agenda for the Public Safety Commission Annual Community meeting.* Councilmember Kullmann seconded. The motion carried.

Proclamation: Great American Smoke Out

Lin Glen, Blue Lake Resident, read the proclamation to the Council.

Councilmember Kullmann *motioned to accept the Proclamation for the Great American Smoke Out.* Councilmember Sawatzky seconded. The motion carried.

After the acceptance of the proclamation, Lin Glen passed out a fact sheet to the Council. She stated that this year the emphasis is on E-Cigarettes.

Mayor McCall-Wallace mentioned that the E-Cigarette Ordinance was currently being reviewed by the City Attorney.

Public Hearing – Unmet Transit Needs

Debra Dees from Humboldt County Association of Governments (HCAOG), gave some information on the unmet transit needs process.

It was noted that the HCAOG unmet transit needs Public Hearing will be on November 19, 2015 and that comments on unmet transit needs are taken all year. All comments received before December 15, 2015 will be on this year's report of findings. After December 15, 2015, the comments will be incorporated on next year's report of findings.

The Public Hearing opened at 7:35 p.m.

Comments are as follows:

- Some transfer times are too close for some riders to use the Blue Lake bus and transfer to another bus to get to their destination.

- People who work in Blue Lake have to get on the outgoing bus at 5 p.m., which makes it difficult for some employers who need their employees to work until 5 or 5:30 p.m. A later bus, at 6 p.m., would be helpful.
- There is currently a gap in routes from 10 a.m. to 1 p.m. Having another route added at 11 a.m. would be helpful, especially for some who start work in Blue Lake mid-day.
- An earlier bus, starting route at 6 a.m., would be helpful for some CR students, and others who are trying to get to Arcata or Eureka by 8 a.m.
- Fill in the gap from 10 a.m. to 1 p.m. with more routes. Was noted by a bus driver that it may take 6 months or so before seeing the benefits of the added routes.
- The Blue Lake transit averages about 100 riders.

The Hearing ended at 7:49 p.m.

Public Hearing – Amendment of Section 625 (Site Plan Approval) of the Blue Lake Zoning Ordinance No. 382, as Amended

The public hearing opened at 7:50 p.m.

City Attorney Diamond recommends keeping the public hearing open until an ordinance is ready to be introduced.

There was no public input.

Councilmember Sawatzky *motioned to accept the Planning Commission recommendation, to direct staff to draft an ordinance, and to keep the public hearing open which will continue on December 8, 2015.* Councilmember Kullmann seconded. The motion carried.

Public Hearing: Amendment of Sections 610 (Off-Street Parking Facilities), 618 (Accessory Buildings), 624 (Landscaping), and 627 (Residential Second Units) of the Blue Lake Zoning Ordinance No. 382, as Amended

The Hearing opened at 7:57 p.m.

Council asked clarifying questions regarding current illegal units. It was noted that these amendments would not validate those.

Darcey Lima, Blue Lake resident asked who judged the designs. It was stated that this would be a Planning Commission decision.

Restrictions on mobile homes and tiny homes were discussed.

Councilmember Kullmann *motioned to accept the Planning Commission recommendation, to direct staff to draft an ordinance, and to keep the public hearing open which will continue on December 8, 2015.* Councilmember Lynch seconded. The motion carried with the following votes:

Ayes: Kullmann, McCall-Wallace, Lynch

Noes: Sawatzky

Abstain: none

Absent: Jones

Ordinance No. 514: Urgency Ordinance of the City of Blue Lake Amendment of Section 707,708,712, and 713 – Amendments of the Blue Lake Zoning Ordinance No. 382, as Amended

City Attorney Nancy Diamond stated that at this time, this ordinance could not be presented as stated, as it does not meet the full requirements of an urgency ordinance.

As of December 6, 2015, this recommendation will expire and automatically be denied. It will need to go back to the Planning Commission, and then come back to the Council to be approved and at that time, an ordinance can be introduced.

Suddenlink Agreement and Release regarding Public, Educational, and Government (PEG) Access Funding – Staff Report and Resolution No. 1065: A Resolution of the City Council of the City of Blue Lake to Approve a Settlement Agreement and Release with suddenlink Regarding Public, Educational, and Government (PEG) Access Funding and to Direct the Amendment to Ordinance No. 497

Sean MacLaughlin from Access Humboldt came to answer any questions that Council may have had on this issue. He gave some background information, which was also present in the staff report submitted for the Council Packet.

Clarification was made that the settlement was for Cable only, not internet.

City Attorney Diamond made noted a couple issues in regards to the scope of the “release.” She felt that a Hold Harmless statement and Release of Liability should be added to section 8. She suggested taking action on the settlement and the resolution, and if any changes needed to be made, they could be brought back with the ordinance, since the currently presented ordinance presented after this item will need to come back at the next regular meeting, due to similar circumstances as Ordinance No. 514.

Councilmember Kullmann *motioned to adopt Resolution No. 1065 with the understanding that there will be further discussion on the Hold Harmless statement and, if needed, information will come back to the City.* Councilmember Lynch seconded. The motion carried.

Ordinance No. 515: And Urgency Ordinance of the City of Blue Lake Amending Ordinance No. 497 section 5.7.2 to Change the Public Educational, and Government (PEG) Access Funding to equal 1.401% as stated in Resolution No. 1065

City Attorney Diamond stated that at this time, this ordinance could not be introduced as it does not meet the requirements of an urgency ordinance. It will be presented at a future regular Council meeting.

Discussion regarding Gymkhana Key Fee Appropriation

Mayor McCall- Wallace gave an overview of this item and a review of past discussions.

It was understood that the question at hand was could the revenue received for the keys be directed towards repairs of the fence and sprinkler system?

Currently the revenue from the keys goes to support the current operating costs of the arena.

There was a discussion on how the key fee began.

Assistant City Manager Hutton noted that for calendar year 2015, the total received to date was \$950.00.

Darcey Lima, Blue Lake resident, noted that it was nice to get the information so that residents know the operating costs of the arena, and what makes up that total amount.

Mayor McCall-Wallace also reviewed the donation process and reminded all that Council just received a donation for sprinkler repair materials.

Support Letter to McClure Trust regarding Property Trespassing

Mayor McCall-Wallace gave an overview of why she asked for this item to be placed on the agenda. She reminded Council that a letter was received in the last meeting packet as a correspondence.

Council gave input on the idea of writing a support letter to the McClure Trust. Mayor McCall-Wallace mentioned that Council did a similar letter for the river encampments, and that it could be used as a template.

Council consensus was to direct staff to contact the McClure Trust to let them know that Council received the letter and to encourage the McClure Trust to let the Council know if there is increased activity.

Councilmember Sawatzky stated that he will volunteer to write a letter in the future if there is increased activity and Council decides it is necessary.

City Manager's Report: City Attorney, Nancy Diamond: Conflict of Interest Waiver

City Attorney Diamond gave Council input on this item. She stated that if she feels a conflict does arrive, she will back out completely and suggest other representation. At this time she feels that the matter is in a political area, rather than legal, and that it's up to policy decided upon by Council.

Councilmember Kullmann *motioned to accept the Conflict of Interest waiver for City Attorney Nancy Diamond to represent both Redwood Coast Energy Authority (RCEA) and the City of Blue Lake.* Councilmember Lynch seconded. The motion carried.

Amended and Restated Joint Powers Agreement (JPA) of the Redwood Coast Energy Authority (RCEA)

Changes to the JPA were noted.

Council discussed concerns regarding the voting structure. A question arose regarding how the weighted vote would relate to the Brown Act. City Attorney Diamond commented that the language of the Brown Act is for people, not votes, but that it could be expanded upon in the JPA.

Mayor McCall-Wallace gave some suggestions regarding a weighted vote cap and bigger decisions being held to a higher standard, such as a 75% vote instead of a simple 2/3 vote.

Mr. Marshall commented that regular RCEA program matters would still be equal voting, that the weighted voting was simply for the Community Choice Aggregation (CCA).

Clarification was made regarding how voting would occur if there was regular RCEA items and CCA items at the same meeting.

Mathew Marshall from RCEA noted that the new JPA was a board decision and was modeled after other CCA agreements.

Mayor McCall-Wallace *motioned to not accept the JPA agreement as stated, and to send back suggestions to the RCEA board. These suggestions are: equal voting across all issues; 75% weighted vote for the following: energy portfolio, rate setting, and revenue expenses and transfers; expanding the Brown Act in the JPA; capping all member weighted voting at 40%; consider membership expanding beyond Humboldt County for CCA purposes.* Councilmember Sawatzky seconded. The motion carried.

City Manager Recruitment Updates

Mayor McCall-Wallace gave an overview of how the visitation and interview process worked last time around. She asked the Council to give input on how this year's visitation and interview process should go.

Clarification was made on how community members were chosen.

Mayor McCall-Wallace asked if this was a question for a bigger discussion. Consensus was yes. This item will be brought back for discussion at a future meeting.

Reports of Council and Staff

Councilmember Lynch mentioned the recent Fire Department fundraiser.

Councilmember Sawatzky had nothing to report.

Councilmember Kullmann had nothing to report.

Mayor McCall-Wallace reminded Council about the Public Safety Commission Annual Community Meeting. She reported that there will be a Humboldt County Association of Governments (HCAOG)

meeting the following week. She also reminded council of the marijuana legislation webinars happening soon.

Assistant City Manager Hutton read the report by City Manager Berchtold, noting the Perigot Park project updates, awards earned by Public Works staff, and update on Blue Lake Power and Blue Lake Roundstock and that an E-cigarette ordinance is schedule to be introduced at the December meeting. She also mentioned that Public Works Supervisor Glenn Bernald offered to take councilmembers on a tour of the Waste Water Treatment Plant if they chose. It was noted that this would be good to take place when a new manager was hired.

Future Agenda Items

Internet/wi-fi for Skinner store and the bike rack donated by St. Joes were mentioned. It was noted that these items did not need to be agenda item discussions at this time.

- Budget Reports

Correspondence

The only correspondence was a flyer placed at each council seat as a reminder about the informational briefing in Eureka about the new Medical Marijuana laws and regulations.

Motion to Adjourn

Councilmember Sawatzky *motioned to adjourn*. Councilmember Kullmann seconded. The motion carried unanimously. Meeting adjourned 9:38 p.m.

April Sousa
City Clerk